Supreme Court, U S
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No 09-999

In The
Supreme Court of the United States

CLIFTON MALLERY A/K/A ENJAI OMAA EELE,
AMNAU KARAM EELE,

Petitioners,

v

NBC UNIVERSAL, INC , NBC UNIVERSAL TELEVISION STUDIO, TAIL WIND PRODUCTIONS, TIM KRING, DENNIS HAMMER, ALLAN ARKUSH, JEPH LOEB, BRYAN FULLER,

Respondents

On Petition for Writ of Certiorari to the United States Court of Appeals for the Second Circuit

PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI

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May 21, 2010

QUESTION PRESENTED

Whether Fed R Civ P 56 and the Due Process Clause require that a nonmovant be given prior notice, in accordance with the notice requirements of Fed R Civ P 56(c), before a motion under Fed R Civ P 12(b)(6) is converted to one under Rule 56, or whether a trial judge may do so by converting the Rule 12(b)(6) to one under Rule 56 and simultaneously entering judgment, without providing prior notice, an issue upon which the Circuits are split

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